

I will be in New Orleans for Castano through Tuesday, but obviously have access to and will be checking e-mail. Also, let me know about your availability for the OSHA media conference call at 9:30 a.m. (est) on Monday. Thanks.

From: Hoel, John on Sun, Mar 31, 1996 12:38 PM
Subject: CRS report communications plan
To: Sorrells, John
Cc: Nicoli, David

John, I've re-read your CRS communications strategy. Sorry I didn't get back to you last Thursday and Friday. As you know, I was in K.C with the propeller heads learning about ETS science. I agree with the plan as a whole. Below I will lay out some additional ideas we should consider and some concerns regarding timing. My basic concern and general theme of the following comments is that we need a new hook of we are going to be successful.

Also, in reading my comments, bear in mind my strong belief that the ETS issue is divided into science and comfort. We have and will continue to lose the comfort issue. Whether or not ETS is dangerous is of no consequence to how people view tobacco smoke. 3/4 of the population doesn't smoke, and a very sanctimonious segment of that population are ex-smokers. That's why our accommodation strategy for the IAQ rule is so important. Now, if we can prove that OSHA is proceeding with faulty science in terms of the adverse health effects of ETS, we will have more ammunition to reach an ultimate resolution which calls for accommodation, not prohibition and exclusion.

Here are some thoughts:

1. I know NY is disturbed that the CRS report did not get more ink in the press. While Stephen Redhead's comments initially seemed to cast doubt on the report's findings, I think the CRS hearing and the letter from Daniel Mulhollan have more than rehabilitated any damage done by the article. The question now is do we act now or wait? Are the hearing and the letter sufficient hooks to get a story?.

As you know, I have submitted four questions to Kennie Gill--Ford's Chief Counsel--which are designed to bolster the CRS report's finding in our favor. One of the questions is a request that CRS conduct a confidential re-analysis of the Fonham study-->in other words get the raw data and show how she has serious flaws in her analysis. Bill Davis with Shook, Hardy is very confident that if this information is accessed it will benefit our side in the end. (Note: the Fonham study was partially funded with an NIH grant, so there's a federal hook. RJR sued Louisiana State University--where they performed the study--to get the data, but the court said she did not have to turn it over. She has a proprietary interest in the raw data since she plans to publish additional studies based on the same raw data.) If Bill Davis's belief is the case and we get a positive re-analysis, we should work the public policy groups hard and get them writing papers and articles on how the federal government--unelected bureaucrats--is proceeding with a major regulation based on faulty science. As you know, it's easier to get a story on a public policy group report than on a story Philip Morris is trying to pitch.

I have one ultimate goal: get CRS, GAO or other independent group to access the raw data and produce a report which casts serious doubt on the Fonham study. Since OSHA's foundation for its IAQ rulemaking is based solely on one study--Fonham--if we get a credible entity to seriously criticize the report, then OSHA's one brick foundation comes tumbling down. Now, under this scenario, that would be newsworthy.

2. Some concerns: (a) I believe we are only going to get one hit on this issue. Do we push

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for a story now knowing we may have another story later? Trying to get a story now and then possibly follow up with another story in 2-4 months might be difficult, even if a re-analysis of the Fontham data is done and reveals serious problems. Of course, we have no guarantees that a re-analysis will be performed, how long it will take and that it will come out in our favor.

(b) The third-party group Op-Ed strategy is good. I operating under the impression the plan will dovetail with the state communications plan we discussed last week in NY.

(c) If we get a positive response on the re-analysis of the Fontham study, the study should be sent to every science and political writers and their editors.

I hope these comments are helpful. I think the main question we need to address is do we go now or wait to see if I can get a re-analysis of the Fontham data? I'll be in the office all day Monday and Tuesday.

Note for Sorrells, John

From: Sorrells, John
Date: Mon, Mar 11, 1996 8:24 AM
Subject: RE: Redhead comment analysis
To: Hoel, John

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I haven't seen it. I'll come up and get a copy. Thanks.

From: Hoel, John on Mon, Mar 11, 1996 8:23 AM
Subject: Redhead comment analysis
To: Sorrells, John

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Have you seen SH&B's new analysis? It came in on Friday afternoon. Is this what we want? David and I are going to see Kenny Gill on Ford's staff this afternoon. Can we talk before then. thanks.

Note for Sorrells, John

From: Sorrells, John
Date: Thu, Feb 29, 1996 9:41 AM
Subject: RE: EPA media plan
To: Hoel, John
File(s): EPA Draft Plan

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Enclosed is the plan; however, keep in mind this is still in discussion stage pending further consideration by Mulderig/Wall.

From: Hoel, John on Thu, Feb 29, 1996 9:28 AM
Subject: EPA media plan
To: Sorrells, John

David has assigned me the EPA risk assessment issue. John Mulderig mentioned you had developed a media plan for this issue. Could I please have a copy for my enlightenment and files. Many thanks.

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